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By: _____

Rosemarie L. Celli

Rosemarie L. Celli

Appln. No. : 09/580,018
Applicant : Dale B. Schenk
Filed : May 26, 2000
TC/A.U. : 1600/1647
Examiner : Christopher J. Nichols

Confirmation No. 9973

Docket No. : 15270J-004760US
Customer No. : 20350

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER MPEP § 2406.02

Sir:

The undersigned, Rosemarie L. Celli, attorney of record authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated RB44-10D5.19.21 producing the antibody 10D5 described at *e.g.*, the paragraph beginning on p. 68, line 17 of the above-captioned application was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5129. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

2. The cell line designated RB96 3D6.32.2.4 producing the antibody 3D6 described at *e.g.*, the paragraph beginning at p. 107, line 26 of the above-captioned application

was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5130. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

3. The cell lines identified in paragraphs 1 and 2 above will be maintained at the ATCC and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC, for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

4. All restrictions, on the availability to the public of the cell lines identified in paragraphs 1 and 2 above will be irrevocably removed upon the issuance of a patent from the above-captioned application.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Sept. 22, 2003



Rosemarie L. Celli, Reg. No. 42,397